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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/641,449

08/17/2000

Nicholas David Butler

6169-179

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06/07/2004

AKERMAN SENTERFITT

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EXAMINER

LERNER, MARTIN

ART UNIT

PAPER NUMBER

2654

12

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,449

Applicant(s)

BUTLER ET AL.

Examiner

Martin Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004 and 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 05 April 2004 has been entered.

Claim Objections

2. Claim 6 is objected to because of the following informalities:
The claim should end in a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 to 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Independent claim 1 contains the new limitation of a plurality of speech technology software modules, "each module comprising a speech recognition engine and a text-to-speech engine", which involves new matter.

The Specification as originally filed does not disclose a plurality of speech technology modules, where each module comprises both a speech recognition engine and a text-to-speech engine. Figure 1 shows a plurality of ASR servers 48A and 48B, but ASR servers 48A and 48B are only speech recognition servers, and not text-to-speech engines. Page 5, Line 30 to Page 6, Line 5 says that the speech recognition servers are the speech technology modules, although other functions such as text to speech could be used as examples of the speech technology. However, the passage implies only that text to speech could be used instead of a speech recognition function, and not that both speech recognition and text to speech functions are positively intended to be included in the same module. Page 7, Lines 14 to 21 discusses selecting a speech technology module, and says that the request for speech recognition or text-to-speech is passed, but, again, the cited passage only suggests selecting either speech recognition or text-to-speech in the alternative, and not both together in the same module. Similarly, Page 13, Line 31 to Page 14, Line 10 notes some speech recognition and text-to-speech technologies are better at some language than others, but does not positively set forth both speech recognition and text-to-speech engines in the same speech technology module. Finally, Page 16, Line 31 to Page 17, Line 12

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says that the configuration entries for text-to-speech work in exactly the same way as the configuration entries for speech recognition, but the two technologies are only discussed in a general way, without expressly stating that both speech recognition and text-to-speech engines are present in each technology module.

There is neither express nor implied disclosure in the Specification for the limitation of "each module comprising a speech recognition engine and a text-to-speech engine". The Specification having been fully reviewed, the passages cited are those most relevant to the limitation in question, but do not expressly disclose a plurality of speech technology modules, where each technology module comprises both a speech recognition engine and a text-to-speech engine. Figures 1 and 2 only show ASR servers 48A and 48B in the context of recognizing speech with recognition parameters, without any disclosure of text-to-speech. The Specification provides some suggestion of text to speech functions, but there is not any clear disclosure of a plurality of speech technology modules, where each module has a text-to-speech engine. Given the originally filed Specification, one having ordinary skill in the art would not be able to deduce that there is support for a text-to-speech engine within each of the technology modules. Thus, the limitation involves new matter because it is not supported by the originally filed Specification.

Response to Arguments

5. Applicants' arguments have been considered but are moot in view of the new ground of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Martino et al., Hyde-Thomson et al., Oh, Thelen et al., Muthusamy et al., Bennett et al. ('293), Anderson et al., Pérez-Méndez et al., Yazaki et al., White et al., and Bennett et al. ('172) disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

5/26/04

A handwritten signature in black ink, appearing to read "Martin Lerner", written over a horizontal line.

Martin Lerner
Examiner
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